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5	UNITED STA	TES DISTRICT COURT		
6	DISTRICT OF NEVADA			
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8	IOIDLE CANDIDA			
9	JOHN F. CANNIDA,))))		
10	Plaintiffs,) 2:07-cv-1616-KJD-RJJ)		
11	VS.) DEPORT & DECOMMENDATION		
12	CLARK COUNTY DETENTION, et al., Defendant,) REPORT & RECOMMENDATION) OF UNITED STATES) MAGISTRATE JUDGE		
13	——————————————————————————————————————) <u>MAGISTRATE JUDGE</u> _)		
14	This matter is before the Court regarding Plaintiff, John F. Cannida's Application For			
15	Leave to Proceed <i>In Forma Pauperis</i> (#1) and the proposed Complaint (Attachment #1) thereto.			
16	The Court having reviewed the Application (#1) and the proposed complaint attached			
17	thereto, makes the following findings:			
18	1. On December 4, 2007, Plaint	tiff, John F. Cannida, filed an Application For Leave		
19	to Proceed In Forma Pauper	is (#1) with a proposed Complaint (Attachment #1).		
20	2. On December 13, 2007, the 0	Court entered an Order (#2) setting a status hearing		
21	for January 8, 2008, at 9:00 a	a.m. Further, the Order (#2) advised Cannida that		
22	failure to attend the hearing '	'may result in this case being dismissed." Order (#2)		
23	at line 22.			
24	3. The Order (#2) was served or	n the Plaintiff by Certified Mail. See, Certificate of		
25	Service (#6), date of delivery	12/15/07		
26	4. Plaintiff, John F. Cannida die	d not appear at the hearing scheduled for January 8,		
27	2008, and further did not con	ntact the Court to provide a reason for his non-		
28	appearance at said hearing.			
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1	5.	On January 18, 2008, the Court issued an Order to Show Cause (#4) ordering	
2		Plaintiff, John F. Cannida to appear before the undersigned Magistrate Judge on	
3		February 22, 2008. Further, the Order to Show Cause (#4) advised Cannida that	
4		failure to appear at the hearing on February 22, 2008, "may result in a	
5		recommendation that this case be dismissed." Order (#4) at pg. 1, lines 27-28.	
6	6.	The Order to Show Cause (#4) was served on the Plaintiff by Certified Mail. See,	
7		Certificate of Service (#6), date of delivery 1/19/08.	
8	7.	Plaintiff, John F. Cannida did not appear at the Show Cause Hearing scheduled	
9		for February 22, 2008, and further did not contact the Court to provide a reason	
10		for his non-appearance at said hearing.	
11	8.	Plaintiff, John F. Cannida has failed to respond to two orders from the Court.	
12	9.	Plaintiff John F. Cannida has filed no requests for extensions of time.	
13	10.	Plaintiff, John F. Cannida has had no communication with the Court since the	
14		filing of his Application For Leave to Proceed In Forma Pauperis (#1) on	
15		December 4, 2007.	
16	11.	It appears that Plaintiff, John F. Cannida has abandoned this case.	
17	Based on the foregoing and good cause appearing therefore,		
18		RECOMMENDATION	
19	IT IS THE RECOMMENDATION of the undersigned Magistrate Judge that Plaintiff,		
20	John F. Cannida's Application For Leave to Proceed <i>In Forma Pauperis</i> (#1) be DENIED.		
21	IT IS FURTHER RECOMMENDED that this case be DISMISSED WITH		
22	PREJUDICE		
23		NOTICE	
24	Pursua	ant to Local Rule IB 3-2 [former LR 510-2] any objection to this Report and	
25	Recommendation must be in writing and filed with the Clerk of the Court within ten (10) days		
26	after service of this Notice. The Supreme Court has held that the courts of appeal may determine		
27	that an appeal has been waived due to the failure to file objections within the specified time.		
28	Thomas v. Ar	<u>n</u> , 474 U.S. 140 (1985), <u>reh'g denied</u> , 474 U.S. 1111 (1986). This Circuit has also	

held that (1) failure to file objections within the specified time and (2) failure to properly address

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1	and brief the objectionable issues waives the right to appeal the District Court's order and/or
2	appeal factual issues from the order of the District Court. Martinez v. Ylst, 951 F.2d 1153 (9th
3	Cir. 1991); Britt v. Simi Valley United Sch. Dist., 708 F.2d 452, 454 (9th Cir. 1983).
4	DATED this <u>28th</u> day of March, 2008.
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7	(Colut) Suston
8	ROBERT J. JOHNSTON United States Magistrate Judge
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